

REMARKS

Overview

Claims 21, 38-40 are pending in this application. Claim 40 is new. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Issues Under 35 U.S.C. § 103

Claims 21, 38 and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider, Pub. No. 2002/0103688 in view of "The Andersons, Inc. Licenses Software to American Agrisure Farmers Gain Powerful New Marketing Tool" (hereinafter Andersons), and Stalcup, Larry "Elevate your market advice" (hereinafter Stalcup). These rejections are respectfully traversed.

In particular, it is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness as the primary reference relied upon by the Examiner, Schneider, is not in itself legal prior art. In particular, Schneider was filed August 21, 2001 which is after the March 28, 2001 filing date of the present application. Therefore, it is respectfully submitted that all rejections must be withdrawn.

As the Examiner may recall, the Andersons or Crop Profiler product was discussed during the Examiner Interview of September 23, 2004. The Andersons reference is significantly different from what is claimed. In particular, the claims require use of actual income and expense data to evaluate the financial condition of the producer and is used in the integrated crop insurance services, financial management services, and marketing services.

Andersons is of limited utility as it only relies upon projected income and expense data of a producer. Thus it does not make sense to use Andersons in providing integrated financial management services to a crop producer as the claimed invention not only requires actual data, but requires updating the actual data so that proper analysis of break even points and profitability can be made.

Stalcup is also of very little relevance to the claimed invention. Stalcup simply discusses marketing and cash contracts. It is not directed towards integral financial management services with crop insurance services and marketing services.

Thus no combination of Stalcup and Andersons teaches each and every limitation of the claimed invention. Therefore this rejection must be withdrawn on this basis as well.

New Claim

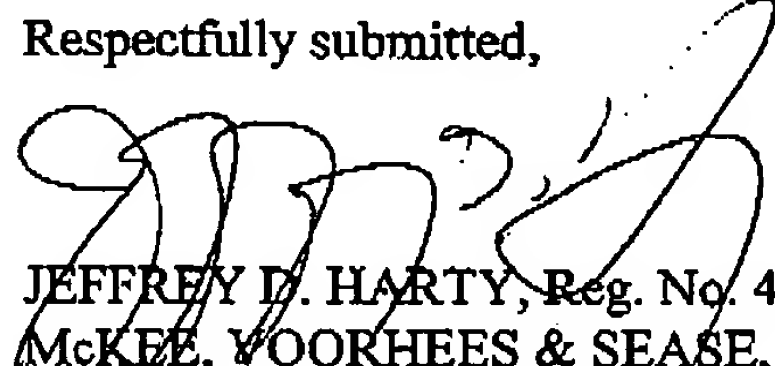
Claim 40 is new. Claim 40 is similar to claim 21 but with additional limitations. In particular, claim 40 further requires "the proper level of crop insurance being substantially equal to one of a plurality of break even points based on different scenarios." Also, claim 40 requires that the marketing services include "a determination of profitability goals" and that the evaluation of the profitability is "in relationship to the profitability goals." Therefore, it is respectfully submitted that these limitations of claim 40 further distinguish the claimed invention from the prior art.

Conclusion

This amendment accompanies the filing of a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$395.00 for the RCE per the attached

transmittal. This is also a request to extend the period for filing a response in the above-identified application for one month from April 27, 2005 to May 27, 2005. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$60.00 to cover the cost of the one month extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Respectfully submitted,



JEFFREY D. HARTY, Reg. No. 40,639
MCKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

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